

1 2008, and has remained in custody since that date. The material
2 witness has no friends, neighbors, or acquaintances in the United
3 States who can qualify as an acceptable surety to accommodate his
4 release from custody.

5 Material witness ERMELINDO OLLUA-NAVA came to the United
6 States to seek employment to help support his family.

7 The material witness will have been in custody for 41 days as
8 of the hearing date of this motion. To continue to remain in
9 custody imposes an extreme hardship on the material witness and on
10 his family.

11 In view of these facts, material witness ERMELINDO OLLUA-NAVA
12 seeks an Order for a video deposition from this Court. I have fully
13 explained the procedures involved in this deposition process and
14 received his promise of full cooperation in the video deposition
15 process.

16 I am unaware of any reason why this witness should not be
17 released from custody in this case after the video deposition
18 pursuant to Rule 15 (a) of the Federal Rules of Criminal Procedure,
19 and am further unaware of the existence of a statement of such
20 reason by any other attorney on this case.

21 I believe it would be in the interests of justice to allow the
22 testimony of this material witness in question to be secured by
23 video deposition and to thereafter release the material witness
24 to prevent them from suffering custody any longer than necessary in
25 order to further justice in this case.

26 I declare under penalty of perjury that the foregoing is true
27 and correct.
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1 DATED: May 26, 2008.

2 /s/ Al Smithson

3 AL SMITHSON, Attorney for Material Witness

4 ERMELINDO OLLUA-NAVA

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